

APPEAL NO. 022922
FILED DECEMBER 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 25, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____ (all dates are 2002 unless otherwise noted), and that the claimant did not have disability.

The claimant appeals, basically on sufficiency of the evidence. The respondent (carrier) responds urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant tripped and fell backward on _____. The claimant reported his injury (reporting is not an issue) that day and the next day. The claimant continued working on _____ and worked (day after incident), (the claimant testified that he was in pain). (2nd day after incident) was the claimant's day off and on that day his employment was terminated. The claimant saw his family doctor on June 5 and the doctor's off-work note states "c/o pain (R) wrist since _____." No other diagnosis was given. The claimant was referred to an orthopedic specialist who, on September 5, diagnosed radial styloid tenosynovitis. The claimant had returned to work for another employer on August 12.

The hearing officer commented that it appeared undisputed that the claimant "did trip and fall at work" but the hearing officer goes on to conclude that the medical evidence does not support an injury (as defined in Section 401.011(26)) "as a result of the _____ incident."

Whether the claimant sustained an injury as defined in 1989 Act and whether he had disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what fact the evidenced had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determination on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge